IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.295 OF 2006
IN
SUMMARY SUIT NO.932 OF 2003

Jindal Vijaynagar Steel Ltd. ..Plaintiff.

Vs.

Ketan Construction Ltd. ..Defendant.

Mr.Vishal A. Datta i/b.D.G.Rangral for the Plaintiff.

Mr.Farhan Dubash i/b.M/s.Mulla & Mulla with Mr.Hrishikesh Shede for the Defendant.

CORAM : A.M. KHANWILKAR, J.
DATED : 21ST JUNE, 2007

P.C. :

Heard counsel for the parties. Perused the relevant pleadings and material on record.

2. The prayer in this Chamber Summons is for condonation of delay of 46 days in filing of the written statement. According to the Applicant, the delay has occurred essentially because of business and personal commitments of the Applicant during the relevant period.

3. In the reply affidavit, the Plaintiff has challenged that position amongst others on the

ground that no material to substantiate that fact is placed on record. Indeed, on the last occasion, counsel for the Defendant/Applicant has taken time to consider that position.

4. Today, counsel for the Defendant submits that on the basis of pleadings and documents on record, he would be able to satisfy the Court that there is sufficient cause for condoning the delay in filing the written statement.

5. After have considered the submission,s in the interest of justice, I am inclined to accept the explanation offered and grant the prayer for condoning the delay in filing the written statement, however, on condition that the Defendant shall pay the cost to the Plaintiff quantified at Rs.5000/- within one week from today.

6. Payment of cost is condition precedent of making the Chamber Summons absolute in terms of prayer (a).